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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 2.106 of the) ET Docket No. 95-18
Commission's Rules to Allocate) RM-7927
Spectrum at 2 GHz For Use By The)
Mobile Satellite Service)

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OPPOSITION TO MOTION FOR EXTENSION OF TIME

Celsat America, Inc. ("Celsat"), by its attorneys, hereby opposes the Motion for Extension of Time ("Motion") filed by American Mobile Satellite Corporation ("AMSC") in the above-captioned proceeding. In its Motion, AMSC requests that the Federal Communications Commission ("FCC" or "Commission") extend the deadline for filing comments in the above-captioned proceeding from March 9, 1995 until May 5, 1995 and reply comments from March 27, 1995 to June 6, 1995. For the reasons set forth below, Celsat believes that AMSC's extension request is contrary to the public interest. Accordingly, Celsat respectfully requests that the Commission deny AMSC's Motion. This proceeding was initiated in part by a Celsat Petition for Rulemaking (RM-7927) filed in February 1992.

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I. The Preparations for WRC-95 Are Not Essential to the Instant Proceeding

In its Motion, AMSC contends that it is necessary to delay the instant proceeding two months to provide commenters with additional time to "devote sufficient resources to preparation for meetings and filings" concerning the 1995 World Radiocommunication Conference ("WRC-95"), CITEL and other international and domestic conferences. Celsat submits that preparations for WRC-95 and other conferences do not form a sufficient basis to delay this proceeding.

Most of the proposed Mobile Satellite Service ("MSS") frequencies at issue in this proceeding (1990-2025 MHz (Earth-to-space) and 2165-2200 MHz (space-to-Earth)) ("new MSS Frequencies") were originally allocated for MSS use at the 1992 World Administrative Radio Conference ("WARC-92").¹ At the WARC-92, the U.S. delegation waged a difficult but ultimately successful fight for the Region 2 and worldwide allocation of the new MSS Frequencies. If such international achievements are undermined domestically due to regulatory delays,

¹ See Notice of Proposed Rulemaking, ET Docket No. 95-18, FCC 95-39, at paras. 1-2 (released January 31, 1995) ("Notice"). Fifty-five of the proposed seventy megahertz of spectrum were originally allocated for Region 2 and worldwide MSS use at the WARC-92.

the credibility of future U.S. WRC delegations -- including WRC-95 -- could be tarnished and the achievements of U.S. objectives made more difficult.

This proceeding is the Commission's first effort to allocate the new MSS spectrum since the WARC-92. As the FCC has recognized, timely implementation of MSS is vital to maintaining the United States' leading role in international communications and to creating highly skilled jobs in the U.S. economy. Now that the domestic spectrum allocation process has finally commenced, Celsat submits that the process should not be derailed on account of the existence of other matters, even if they are preparatory meetings and filings for the WRC-95, CITEL or any other international conferences. Such international conferences are not essential to the task of implementing the new MSS Frequencies.

Furthermore, although the WRC-95 and CITEL meetings will review MSS-related matters, such as the MSS feeder links, the proposed allocation is not at issue. Rather, the WRC-95 preparations primarily involve the technical, regulatory and procedural constraints associated with additional allocations below 1 GHz and between 1 and 3 GHz.² Thus, the FCC should not delay but move expeditiously forward with the instant rulemaking in order to implement the achievements of the WARC-92.

² See, generally, Second Notice of Inquiry, IB Docket 94-31, FCC 95-36 (released January 31, 1995) ("Second Notice of Inquiry").

In addition, AMSC contends that the instant proceeding should be delayed in order to give parties time to meet with incumbent broadcast auxiliary service licensees and fixed microwave users who may be relocated pursuant to one of the Commission's proposals in the Notice. Celsat commends any cooperative attempt to resolve issues of this kind so that both the parties and the Commission can move forward with this service more quickly. It is, however, unnecessary to delay this proceeding based on such preliminary discussions.

II. The Commission Has Recognized the Importance of Expeditiously Licensing MSS

The Commission has recognized that it is in the public interest to expeditiously implement and license MSS.³ When the Commission removed the 1970-1990 MHz band from potential consideration for MSS in GEN Docket 90-314 in June 1994, the Commission ensured potential MSS providers that it would "initiate a proceeding to investigate ... additional allocation possibilities in the

³ See In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, Memorandum Opinion and Order, GEN Docket No. 90-314, 9 FCC Rcd 4957, 4996 (1994).

near future."⁴ Therefore, the FCC should not place MSS "on hold" by granting AMSC's Motion for a two month extension.⁵

IV. Conclusion

The U.S. delegation fought hard to gain the worldwide and Region 2 allocations at the WARC-92 for the new MSS Frequencies. The rapid conclusion of this proceeding will encourage competition in the wireless marketplace, improve the delivery of innovative communications services in both rural and urban areas, and create jobs domestically. AMSC's Motion to place the New MSS Frequencies "on hold" for two months, by contrast, would unnecessarily delay the achievement of these goals. This delay would not serve the public interest.

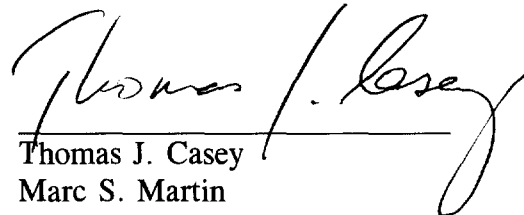
⁴ Id.

⁵ The Commission already has granted AMSC the authority to operate an upper L-band (1545-1559/1646.5-1660.5 MHz) MSS system. See Report and Order, CC Docket No. 92-266, 9 FCC Rcd 5936, n. 17 (1994). By delaying the instant proceeding, the Commission would in effect be delaying the entry of competitors who seek to deliver innovative low cost MSS services in time to be a viable part of this important market.

For the foregoing reasons, Celsat requests that AMSC's Motion for Extension of Time be denied.

Respectfully submitted,

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